C-07-4925cw

FILED

SEP 2 1 2007

RICHARD W. WIEKING CLERK, U.S. DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA OWN AND L of

EXHIBIT

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STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION INMATE APPEALS BRANCH P. O. BOX 942883

SACRAMENTO, CA 94283-0001

DIRECTOR'S LEVEL APPEAL DECISION

Date: FEB 2 1 2007

In re: Woodson, P-76095

High Desert State Prison P.O. Box 270220

Susanville, CA 96127.

IAB Case No.: 0606000

Local Log No.: SVSP 06-00952

This matter was reviewed on behalf of the Director of the California Department of Corrections and Rehabilitation (CDCR) by Appeals Examiner J. G. Arceo, Facility Captain. All submitted documentation and supporting arguments of the parties have been considered.

I APPELLANT'S ARGUMENT: It is the appellant's position that on March 23, 2006, while in handcuffs, Correctional Officers (CO) J. Rodriguez, Vega, Camerena and others under the supervision of Correctional Sergeant Kircher used excessive and deliberate force to control him. He requests an internal affairs investigation into this misconduct; and he wants to suffer no reprisals for filing this complaint.

II SECOND LEVEL'S DECISION: The reviewer found that an appeal inquiry was conducted into the appellant's complaint. Supervisory staff completed the inquiry, notified the appellant upon completion, and notified him of the inquiry's findings at the Second Level of Review (SLR). The appeal was partially granted at the SLR.

III DIRECTOR'S LEVEL DECISION: Appeal is denied.

A. FINDINGS: Upon review of the documentation submitted, it is determined that the staff complaint has received the required review.

In the event that staff misconduct is substantiated, the institution will take the appropriate course of action. All staff personnel matters are confidential in nature and not privy to the inquiries of other staff, the general public or the inmate population, and would not be released to the appellant. In this case, the institution has reported the disposition to the appellant.

Although the appellant has the right to submit an appeal as a staff complaint, the request for administrative action regarding staff or the placement of documentation in a staff member's personnel file is beyond the scope of the appeals process.

B. BASIS FOR THE DECISION:

California Penal Code Section: 832.5, 832.8

California Code of Regulations, Title 15, Section: 3004, 3371.1, 3391

C. ORDER: No changes or modifications are required by the institution.

This decision exhausts the administrative remedy available to the appellant within CDCR.

N. GRANNIS, Chief Inmate Appeals Branch

cc: Warden, HDSP

Appeals Coordinator, HDSP Appeals Coordinator, SVSP

Attachment E 2/21/06

RET'D JUN - 2 2006

"State of California

Memorandum

Date : April 25, 2006

To: Inmate Woodsen, Thomas (P-76095)

D-8 124, SVSP

Subject: STAFF COMPLAINT RESPONSE - APPEAL # SVSP-C-06-00952

APPEAL ISSUE: Appellant alleges that on March 23, 2006 Correctional Officer's J. Rodriguez, D. Vega, E. Camarena and Correctional Sergeant M. Kircher used excessive force when escorting him to the Facility holding cells. The Appellant alleges that as a result of the excessive force used he incurred multiple injuries to include a swollen scraped eye, knot on shoulder with skin scraped off, separated shoulder and scraped knees.

DETERMINATION OF ISSUE: A review of the allegations of staff misconduct presented in the written complaint has been completed. Based upon this review your appeal has been handled as follows:

PROCESSED AS A STAFF COMPLAINT APPEAL INQUIRY

SUMMARY FOR APPEAL INQUIRY:

You were interviewed on May 4, 2006 by Lieutenant P. Roque and stated you had nothing further to add. The following information was reviewed as a result of your allegations of staff misconduct: Your CDCR 602 form, CDCR 7219 medical evaluation and incident package SVP-FC3-06-03-0167.

FINDINGS FOR AN APPEAL INQUIRY:

Your appeal is PARTIALLY GRANTED at the First level, as an inquiry into your allegation has been conducted **OR** as an investigation is being conducted. ALL STAFF PERSONNEL MATTERS ARE CONFIDENTIAL IN NATURE. As such, results of any inquiry/investigation will not be shared with staff, members of the public, or inmates. Although you have the right to submit a staff complaint, a request for administrative action regarding staff or the placement of documentation in a staff member's personnel file is beyond the scope of the staff complaint process.

Allegations of staff misconduct do not limit or restrict the availability of further relief via the inmate appeals process. If you wish to appeal the decision, you must submit your staff complaint appeal through all levels of appeal review up to, and including, the Director's Level of Review. Once a decision has been rendered at the Director's Level of Review, your administrative remedies will be considered exhausted.

P. Roque, Facility Lieutenant

G, Ponder, Facility Captain

Attachment E 2/21/06

State of California

Memorandum

Date:

August 10, 2006

To:

Woodson, # P-76095

C3-105, Salinas Valley State Prison

Subject:

STAFF COMPLAINT RESPONSE - APPEAL # SVSP-C-06-00952

APPEAL ISSUE: The appellant states that on March 23, 2006 Correctional Officers J. Rodriguez, D. Vega, E. Camarena and Correctional Sergeant M. Kircher used unnecessary force against the appellant even though the appellant was cooperating with the officers.

DETERMINATION OF ISSUE: A review of the allegations of staff misconduct presented in the written complaint has been completed. Based upon this review your appeal has been handled as follows:

PROCESSED AS A STAFF COMPLAINT APPEAL INQUIRY		
REFERRED TO THE OFFICE OF INTERNAL AFFAIRS (Note:	: You will be notified of	the
 conclusion of any internal affairs investigation)		

SUMMARY FOR APPEAL INQUIRY:

The appellant was interviewed on May 4, 2006 by Lt. P. Roque and stated that he had nothing further to add to his appeal. The following witnesses were questioned: Correctional Officers E. Camarena, J. Rodriguez, D. Vega, J. Parra, and Correctional Sergeant M. Kircher. The following information was reviewed as a result of your allegations of staff misconduct: CDC 7219, incident package (FC3-06-03-0167), Use of Force Critique for said incident, RVR Log #C06-03-0020 "Resisting Staff with Physical Force" adjudicated 6/19/06 where the appellant was found guilty of the charged offense.

FINDINGS FOR AN APPEAL INQUIRY:

Your appeal is PARTIALLY GRANTED at the ☐ First level ☒ Second level, as an inquiry into your allegation has been conducted. ALL STAFF PERSONNEL MATTERS ARE CONFIDENTIAL IN NATURE. As such, results of any inquiry/investigation will not be shared with staff, members of the public, or inmates. Although you have the right to submit a staff complaint, a request for administrative action regarding staff or the placement of documentation in a staff member's personnel file is beyond the scope of the staff complaint process.

Allegations of staff misconduct do not limit or restrict the availability of further relief via the inmate appeals process. If you wish to appeal the decision, you must submit your staff complaint appeal through all levels of appeal review up to, and including, the Director's Level of Review.

Once a decision has been rendered at the Director's Level of Review, your administrative remedies will be considered exhausted.

A. HEDGPETH / Chief Deputy Warden Salinas Valley State Prison 8/14/05

	CDCR-695
INMATE: Woodson CDC #: P-7600	CDC HOUSING: C3-105
	HER REJECTED FOR ONE OR MORE REASONS NOTED BELOW OR
	TACH SUPPORTING DOCUMENTS.
	TO YOU FOR THE FOLLOWING REASON(S):
TOUR APPEAL IS BEING RETURNED	10 TOU FOR THE POLLOWING REASON(S).
[] Duplicate Appeal; Same Issue	[] Limit of One Continuation Page May Be Attached
[] Do Not Combine Staff Complaints with Other Issues	[] Inappropriate Statements
Time Constraints Not Met	[] Action / Decision Not Taken By CDCR
[] Cannot Submit On Behalf Of another Inmate	[] DRB Decisions Are Not Appealable
[] No Significant Adverse Effect Demonstrated	[] Appealing Action Not Yet Taken
[] Pointless Verbiage/Appeal is vague	[] May Submit One (1) Non-Emergency Appeal Per Week
[] Incomplete 602	[] Not A Request Form; Use CDCR-7362 – to access Medical
Attempting to Change Original Appeal Issue	Services, submit your request on a CDCR-Form 7362.
[] Not Authorized to Bypass Any Level	If necessary, sign up for sick call.
[] Request for Interview; Not an Appeal	[] Write your appeal in black or blue ink, this is a legal
[] Numerous and separate issues	document and pencil/inks other than black or blue do
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return this form to the Appeals Coordinator with the necessary information attached.

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Woodson	P-76 095 ASSIGNMENT			C-3-105
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Ste attroved.	•
	DETIN ALIG Q 3 9AAR
Staff Signature: Title:	Date Completed:
Division Head Approved:	Returned
Signature: Title:	Date to Inmate:
F. If dissatisfied, explain reasons for requesting a Second-Level Review, and su receipt of response.	bmit to Institution or Parole Region Appeals Condinator within 15 days of
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G. REVIEWER'S ACTION (Complete within 10 working days): Date assigned: 4	Due Date: 7200
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Warden/Superintendent Signature:	Date Returned to Inmate:
 If dissatisfied, add data or reasons for requesting a Director's Level/Revieresponse. 	ew, and submit by mail to the third level within 15 days of receipt of
This staff misconduct Complaint Appropriately and timely Subm	weed no against the Ticket which has not been took
a second with the second second	sternal Affords investigation independent of the S.V. 5.5
	orras and discourage Appellant. Appallants witnesses
were never intervioused and statements never recorded. The	any whoeses interviewed were the perpetrainsof
the Matienes, Wanton and Sadistic acts themselves. The on	ly evidence relied upon is a conerup, vetaliatory
RVR # Ede-07-0020 written after and given to Appellant After	Appellant reported the excessive and See Attached sh
signature: Thomas Woodson	Date Submitted:
	Osto Ostorimitos.
or the Director's Review submit all documents to: Director of Corrections P.O. Box 942883	
Sacramento, CA 94283-00	
Attn: Chief, Inmate Appeals	
DIRECTOR'S ACTION ☐ Granted ☐ P. Granted ☑ Denied ☑ See Attached Letter	Other
CDC 602 (12/87)	Date: FEB 2 1 2007

Pg a. Cont.: from Section A

3/24/06

incurred multiple injuries. A swollen eye with skin samped off facial greativectly undereye. Swollen Knot on shoulder with skin scraped off. Shoulder seperation, swellen and scraped skin off Knees. Severe back Pains. Appellant was examined by Dr. Sid and and watch R.N. injuries were documented on a 7219 injury report. Appellant requested shoulder harvess or sling for injured shoulder. Appellant was deviced due to the bone popping back into socket. Appellant was devied the right to have Photos taken of injunics. Appellant was placed in standing room only lage in leg irons and hand luffs squeezed tightly to but off circulation. The cage located in a smal room in the back of the old hobbie shop, Appellant was placed in the area in the Mechanical restraints and injured, with the lights turned off for over 3 hours as the C/o J. Rodriguez, Vega, Caremena and Sat Kircher laughed and obscenely vidiculed Appellants pleas for Just treatment during the assault. The Pain, anguish, and emotional stress was Tantamount to a Guartanamo Bay or ABu Graib experience in violation of Cal. Code Regs. 3 3280 (b) CONST. AMENDMENT VIII, See furman V. Ge orgia, 408 U.S. 238, 279, 92 5 ct. 2724, 33 L.Ed. /408 F. Supp. at 547. Violations of Cal. Code Reg. 33280 (a), The treatment of Appellant unequivacully qualities as unnecessary excessive force (Hudson V. Mc Millian, 503 U.S. 1 (1992) for its unnecessary and Wanton infliction of Pain, Suffering and indury. There is no program here, just an ongoing Campaign of harassment spurring frustration and an unhealthy environment with no oversight for lawless officials. Warden Micheal Evans and Cfacilty Captain Ponder is a are as Culpable as their subordinates who Committ these Violations of policy, procedure and constitutional law. Salinas Valley's notorious Green Wall Gang", 5 glive and Well.

1. Rank Sido

T., Woodson 9-76095

Case 4:07-cv-04925-CW Filed 09/21/2007 Page 9 of 55 Continued: from Section H: unnecessary use of force resulting in insury. Appellant re-allege and re-in-Corporate Section A. and Continuation Sheet of GOD Appeal, truthfully and honestly of events occuring on March 23, 2006 at approx. 1:30 pm., Violating Title 15 Admin. Code 3268 (a) (a) (3), 3004 (a) (b), 3271. In addition California Penal Code \$2650-2652 and the Eighth Amendment to the Constitution of the United States (see Hudson V. Mc Millan U.S., 1/2 Set, 995 (1992). For the foregoing reasons and the refaliatory measures, treatment, and tactics (3084. 1 (d) T.15 Adrin Code) further destableizing Appellant. As set forth above Appellant brings forth this Staff Camplaint per T. 15 Admin Code 3391 (a), P.C. 832. 5 for Directors level assistance at the third level of review. Thank you. Respectfully 13 Shomas Modern

Page 10 of 55

ALLEGATION OF MISCONDUCT BY PEACE OFFICER NOTICE OF RIGHTS AND RESPONSIBILITIES

Penal Code Section 148.6 - Faisely Reporting Police Misconduct.

- (a) Every person who files any allegation of misconduct against any peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, knowing the report to be false, is guilty of a misdemeanor.
- (b) Any law enforcement agency accepting an allegation of misconduct against a peace officer shall require the complainant to read and sign the following information advisory, all in boldface type:

YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A DEPARTMENTAL PEACE OFFICER FOR ANY IMPROPER PEACE OFFICE CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE COMPLAINTS. YOU HAVE A RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. COMPLAINTS AND ANY REPORTS OF FINDINGS RELATING TO COMPLAINTS MUST BE RETAINED BY THIS AGENCY FOR AT LEAST FIVE YEARS.IT IS AGAINST THE LAW TO MAKE A COMPLAINT THAT YOU KNOW TO BE FALSE. IF YOU MAKE A COMPLAINT AGAINST AN OFFICER KNOWING THAT IT IS FALSE. YOU CAN BE PROSECUTED ON A MISDEMEANOR CHARGE IN A CRIMINAL COURT.

Complainant's Signature	P-76095 CDC No.	3-24-06 Date Signed
Receiving Staff's Signature		Date Signed
	Log No.	

Case 4:07-cy-04925-CW Document 2 Filed 09/21/2007 Page 11 of 55

Promas Woodson Pro095 D-2-127

Salinas Valley State Prison

P.O. Box 1050

Soledad CA 93960-1050

7/31/06

To: Appeals Coordinator for SVSP(Elay Medina)

RE: Staff Complaint 602 Log # SVG9 C-06-00952 Notice to Amend Section F. ON 602 form

The Statements set forth below in this document are to Amend Section f. of GOZ Appeal log # 5VSP C-06-00952.

Appeal of Staff mis conduct per laif look of Reg. T. 15 \(\frac{3}{3} \) 3391

(a) \(\frac{3}{3} \) 3268 (a) (c) (3) \(\frac{3}{3} \) 3268. 2 (b) (1) (s) of excessive, sadistic, malicious; and mandon use of unnecessary force where Appell—ant sistand serious injury as defined in Cal lode of Reg. Title office of Internal Affairs, with relevant evidence (witnesses)

as defined in CRT 16 \(\frac{3}{3} \) 3000 not being reviewed as defined in CRT 16 \(\frac{3}{3} \) 3000 not being properly reported by Appell—ant per Cal lode of Reg. T. 15 \(\frac{3}{3} \) 3382 (b) to the Appropriate Administrative remedy per. \(\frac{3}{1} \) R \(\frac{7}{15} \) \(\frac{5}{3} \) 3084. I shot to Appeal.

The inquisition into the mother has fell below Departmented Standards per \(\frac{7}{2} \) C. \(\frac{8}{3} \) In turn Violoting Appellant procedural due process and equal protection under Leastotive operations policy ccr.

And Masin from

Case 4:07-cv-04925-CW Document 2 Filed 09/21/2007 INMATE / PAROLEE APPEAL SCREENING FORM Departr Page 12 of 55

State of California Department of Corrections and Rehabilitation **CDCR-695**

CDC #: P-76095 CDC HOUSING: C3-105

THIS IS NOT AN APPEAL RESPONSE - THIS APPEAL IS EITHER REJECTED FOR ONE OR MORE REASONS NOTED BELOW OR RETURNED TO YOU TO ATTACH SUPPORTING DOCUMENTS.

YOUR APPEAL IS BEING RETURNED TO YOU FOR THE FOLLOWING REASON(S):

[] Duplicate Appeal; Same Issue	[] Limit of One Continuation Page May Be Attached
[] Do Not Combine Staff Complaints with Other Issues	[] Inappropriate Statements
[] Time Constraints Not Met	[] Action / Decision Not Taken By CDCR
[] Cannot Submit On Behalf Of another Inmate	[] DRB Decisions Are Not Appealable
[] No Significant Adverse Effect Demonstrated	[] Appealing Action Not Yet Taken
[] Pointless Verbiage/Appeal is vague	[] May Submit One (1) Non-Emergency Appeal Per Week
[] Incomplete 602	[] Not A Request Form; Use CDCR-7362 – to access Medical
Attempting to Change Original Appeal Issue	Services, submit your request on a CDCR-Form 7362.
[] Not Authorized to Bypass Any Level	If necessary, sign up for sick call.
[] Request for Interview; Not an Appeal	[] Write your appeal in black or blue ink, this is a legal
[] Numerous and separate issues	document and pencil/inks other than black or blue do
	not copy legibly
PLEASE FOLLOW INSTRUCTIONS AND RETURN	LYOUR CDC 602 WITHIN 15 WORKING DAVE
Comments: You may write on back of this fo	
	having no difficulty understanding
your appeal or your state	ments of dissatisfaction. Your
original appeal issue was	your allegations of misuse of
force on 3/23/06. Your AC	open was correctly accepted as
A "Staff Complaint" and	processed. In Section F you
attempted to introduce add	itional Allegations (retaliation, ASU
placement, disciplinary restricti	ONS). You have Already placed Appeals
in on these other ?	peripheral issues. Therefore as
I stated before you are	Attempting to Change your
Appeal issue. You need to	Amend Section F to only
pertain to the original	Appeal issue refusal to cooperate
is grounds for cancellation	IN of the Appeal. The
<u> </u>	AUS
Amendment	Appeal issue retusal to cooperate ON of the appeal. TO AUS L'ENClosed (section f.) Detail 7/4/06
Eloy Medina, CC-II	Date: 7/6/06
Appeals Coordinator	<u> </u>
· ·	

This screening action may not be appealed. If you allege the above reason is inaccurate, then attach an explanation on a separate piece of paper, or use the back of this screen out - do not write any more on the appeal itself. Please eturn this form to the Appeals Coordinator with the necessary information attached.

Case 4:07-cv-04925-CW Document 2 Filed 09/21/2007 Page 13 of 55 STATE OF CALIFORNIA

STATE OF CALIFORNIA COUNTY OF MONTEREY

(C.C.P. SEC. 466 & 2015.5; 28 U.S.C. SEC. 1746) Thomas Woodson declare under penalty of perjury that: I am the Declarant in the above entitled action; I have read the foregoing documents and know the contents thereof and the same is true of my own knowledge, except as to matters stated therein upon information, and belief, and as to those matters, I believe they are true. Executed this 3rd day of September, 2006 Prison, Soledad, California 93960-1050. (Signature) DECLARANT/PRISONER PROOF OF SERVICE BY MAIL (C.C.P. SEC 1013(a) & 2015.5; 28 U.S.C. SEC. 1746) I, Thomas Woodson, am a resident of California State Prison, in the County of Monterey, State of California; I am over the age of eighteen (18) years and am/am not a party of the above entitled action. My state prison address is: P.O. Box 1050, Soledad, California 93960-.. 20 No I served the foregoing: Staff Complaint per 3391(a) (Set forth exact title of document(s) served) On the party(s) herein by placing a true copy(s) thereof, enclosed in sealed envelope(s), with postage thereof fully paid, in the United States Mail, in a deposit box so provided at Salinas Valley State Prison, Soledad, California 93960-1050. Director of Correction P.O. Box 942883 Sacramento, CA (List parties served) There is delivery service by United States Mail at the place so addressed, and/or there is regular communication by mail between the place of mailing and the place so addressed. I declare under penalty of perjury that the foregoing is true and correcty DATED: Sept. 3rd 20 06

Case 4:07-cv-04925-CW Document 2 Filed 09/21/2007 Page 14 of 55

Salmas Valley State Prison

P.O. Box 1050

Soledad CA 93960-1050

Date: 11/16/06

To: Mr. Grannis, Chief Inmate Appeals Branch

The documentation you are asking for is separate and subsequent to the filing of this misconduct appeal. The CDC 115 Rules violation Report (coc-03-0020) is already in your Office, Sent 8/30/06 complete with CDC 7219 insury report and 837 incident report (FC3-06-03-0167). The above RVR and Such is Smear Campaign and retaliation for the Matter set forth before you wieh Preceded that action. Please process this appeal to avoid undue delay and irrepperable harm that may ultimately result in insustice (see, Green bolt V. Munro (1958) 161 Cal. App. 2d 596, 606.

Thomas Woodson P. 76095

STATE OF CALIFORNIA - DEPARTMENT OF CORRECTIONS AND REHABILITATION

ARNOLD SCHWARZENEGGER, GOVERNOR

INMATE APPEALS BRANCH

1515 S Street, Sacramento, CA 95814 P.O. Box 942883 Sacramento, CA 94283-0001

November 9, 2006



WOODSON, CDC #P-76095 Salinas Valley State Prison P.O. Box 1020 Soledad, CA 93960-1020

Re: Institution Appeal Log #SVSP 06-00952 Staff Complaint

Dear Mr. WOODSON:

The enclosed documents are being returned to you for the following reasons:

Your appeal is incomplete. You must include supporting documentation. Your appeal is missing the completed CDC 115, Rule Violation Report (C06-03-0020); the CDC 7219, Report of Injury; the complete CDC 837, Incident Report (FC3-06-03-0167).

Your assigned counselor, the Appeals Coordinator, or your Parole Agent can answer any questions you may have regarding the appeals process. Library staff can help you obtain any addresses you need.

かい. GRANNIS. Ch

N. GRANNIS, Chief Inmate Appeals Branch On the 23 OF March 2006 Officers Came into Search for a "Missing Lid" they were Visibly angry and vied aggressive language to get each cell to "CUFF-UP".

We also withessed Officers Parcibly "Take down" INMATE woodson from cell #105 Por nothing other than attempt to ASK for the Sigt.

Officers Stammed this cuffed and non resisting wante into the ground and they planted Knees into his back, legs and neck.

And Still he did not resist. Correctional Officers could be seen yanking UP his arms and twisting his foot as they placed leg irons on him. This was Completely unnecssary and unprofess, and in method, factic and procedure—all under the Supervision of the Sqt.

They then lauched about it front of his cell and ear shot of us inmates in *104" Tear his fucken house up" one said and they could be heard doing so.

we do de clare under the Penalties of PenJury that this declaration is true and correct.

We witnessed this on the 23rd day of march 2006.

Victor A. Roldan * HOS477 C3104 Victor A. Roldar George M. Flores * H62771 C3104 Heorge Florer

This is my statement on this issue

Inmate Brown # P.16432, Bed 1/1

Michael Day H-84996 C3-204

ON 3-23-06, I (Midned Day H81996) Sow the Clo's frush Inmote Moodson to the ground in The A Section Door, like ten to fifteen, and excessivly restraining his kneedy hand cuffed aims.

I didn't See the incident that Stated it all as it happened on first teir, but I saw the officers trying to mannowale MR. woodson towards the door of A section. Then throw him to the floor and practically doo pile" on top of him, ten to fifteen officers beep, Then hit their claim - for wholever reason:

After a few minutes of This "restraining" They got MR. Woodson up and took him out of the Section.

II, MICHAEL TYPICKSON SWEAR THAT THE FOLLOWING IS TRUE TO THE BEST OF MY KNOWLEDGE.

MARCH 93, 2000, WHILE INMATE WOODS POSS WAS LEINED ASSAULTED, I WITNESS UP TO 15 OR MORE CORRECTIONAL OFFICERS USE EXCESSIVE FORCE, AT THAT TIME, I NOTICE THE OFFICERS PLACING INMATE WOODSON Proge IN LEG CHAINS WHILE KICK'IN HIM, UNJUSTIFIED SINCE THE RESULT OF SUCH PUNISHMENT WE'S, WHILE HE WAS ALREADY IN HANDOUFFED. INFLICTION OF PRIM WITH NO LEGITMATE PURPOSE.

DATED: MARCH 34 GOVE SIGNED: Main J. CROM) 7-867.53

I, Tyrone Browder C-16314 declare that
On Thursday 3/23/06 immate Woodson
C-3-105L called me to his cell befor 1
started cleaning his section, after
Facility C staff /officers had pull wimates
out of their calls in handouffe to
serch the cell. And subsequently inmate
Woodson inform me of the injuries
he suffered due to him complaining of
a improper search of his cell, also 1
personally seen some fresh wounds on
his body wherein it appeared he had
been drag on the right side of his
face, right shoulder, and both of his
Knees, Also, these wounds are for
certain consistent with being drag in
handertts.
I declare under penalty of penjury
that the forgoing is true and correct.
Jy
Donte: March 26,2006

I am a prisoner at Valinas Valley State Prison, P.O. Box 1059 Soledad, CA. 93960, if called to testify to the statements below I could and would competently testify to the matter set forth below Un March 23, 2006 at approx, 2:00 p.m. I, Mike Jacobsen V-51620 was taken from one standing room only cage in the back of the hopby shop to a room with tour other standing room only cages. Other J. Rodriguez escourted me from one room to the other. While entering the Ind room % J. Rodriguez purposely walked my right shoulder into the door trame as we entered, ther threw my while Cutted and shackled into the small standing room only scage, my head slamming into the back wall. As 90V. Rodriguez locked my cage he stated 'Don't ever fell me fick you." This was to J. Lodriguezs' retaliation for words we had had while I was in the 15T olding Cell cage over not getting decontaminated from the O.C. spray I had on me. In this new room with 4 standing cages inmate Woodson P-76095 was in the cage next to me. He was mouning and appeared to be in extreeme pain- fis kgs were still in shackles but he had been incutted for the MTA to examine him. I was not present while the MTA had examined him. I'm Woodson F-76095 did

He told me that he had suffered a dislocated shoulder. Ilm Woodson P. 76095 told me that he had been brutalized by To J. Rodriguez, To D. Vega, To Camerena, To J. Parra, and Sgt. Kirchar had told them to do it. He said he tried to prepart harrassment during a cell search and Sgt. Kircher refused to intervene or do anything and ordered In Woodson F. 76095 taken down. Hs Woodson was telling me what happened to J. Rodriguez intered the room, laughed at In Woodson and told him you got tocked up the told In Woodson to turn around and cuff up. In Woodson sated that he had a dislocated shoulder and the MTA told him he was getting a cuffin-the-tront "Chronol. To J. Rodriguez pulled out his pepper spray, aimed it at In Woodsons face and told him," turn around and cutt up or get sprayed. By this To J. Rodriguez being the same officer who purposely walked me into the wall then threw me into my cage there 's no doubt in my mind that he participated in the abuse of n Woodson P. 76025 on March 23,2006. I mike Tacobsen V-51620 declare under penalty of perjury that the foregoing is true & correct. Executed on this of day of December 2006 at Salinas Valley State Prison, P.O. Box 1050, Soledad, CA. Mike Jacobsen V-51620 93960. Mike Jacobsen

DECLARATION OF Michael B-11	
DECLARATION OF michael Bell C.O.C 7:43033	
1050, SOKONO CM. 93960 1050) in CRUSH PRINCE BOX.	
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LXHIBIT

"BJ"

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION INMATE APPEALS BRANCH P. O. BOX 942883 SACRAMENTO, CA 94283-0001

DIRECTOR'S LEVEL APPEAL DECISION

Date:

NOV 3 0 2006

In re:

Woodson, P-76095

Salinas Valley State Prison

P.O. Box 1020

Soledad, CA 93960-1020

IAB Case No.: 0603277

Local Log No.: SVSP 06-02173

This matter was reviewed on behalf of the Director of the California Department of Corrections and Rehabilitation (CDCR) by Appeals Examiner J. G. Arceo, Facility Captain. All submitted documentation and supporting arguments of the parties have been considered.

- I APPELLANT'S ARGUMENT: The appellant is submitting this appeal relative to CDC Form 115, Rules Violation Report (RVR), Log #C06-03-0020, dated March 23, 2006, for Resisting Staff With Physical Force. It is the appellant's position that his due process rights were violated in that an Investigative Employee (IE) was not assigned; and the charge does not fit the Serious offense classification as outlined in the California Code of Regulations, Title 15, Section (CCR) 3315. He requests that the RVR be reissued and reheard to afford him an IE or dismiss the RVR.
- II SECOND LEVEL'S DECISION: The reviewer found that the appellant was afforded procedural safeguards and due process in the adjudication of the RVR. The appellant has presented no new evidence that was not available to him prior to the disciplinary hearing. The finding of guilt was based on the written report and the preponderance of evidence presented to the Senior Hearing Officer (SHO) during the hearing. The appellant did not meet the criteria for an IE or Staff Assistant. Time constraint violations occurred that prevented a forfeiture of credit. The appellant has presented no evidence to warrant a rehearing.
- III DIRECTOR'S LEVEL DECISION: Appeal is denied.
 - A. FINDINGS: The documentation and arguments are persuasive that the appellant has failed to support his appeal issues with sufficient evidence or facts to warrant a modification of the Second Level of Review. There is no evidence that supports the appellant's contentions that the evidence presented at the hearing does not support the charge or the guilty finding or that his due process rights were violated during the hearing process. The appellant provided no additional evidence to mitigate or warrant a different finding by the SHO. The circumstances of the specific act are simple and not complex. The appeals examiner concurs with the institution's decision in this matter. Relief at the Director's Level of Review is not warranted.

B. BASIS FOR THE DECISION:

CCR: 3041, 3270, 3287, 3291, 3315, 3320, 3323, 3341.5

Deputy Directors, Institutions and Health Care Services Divisions, August 14,1998, Memorandum: ADJUDICATION OF RULE VIOLATION REPORTS INVOLVING MENTAL HEALTH SERVICES DELIVERY SYSTEM INMATE PROGRAM PARTICIPANTS/ PATIENTS

C. ORDER: No changes or modifications are required by the institution.

WOODSON, P-76095 CASE NO. 0603277 PAGE 2

This decision exhausts the administrative remedy available to the appellant within CDCR.

N. GRANNIS, Chief Inmate Appeals Branch

cc:

Warden, SVSP

Appeals Coordinator, SVSP

Memorandum

Date:

August 16, 2006

To:

Woodson, P-76095

Salinas Valley State Prison

Subject: SECOND LEVEL APPEAL RESPONSE LOG NUMBER-SVSP-D-06-02173

<u>ISSUE</u>:

The appellant is submitting this appeal relative to CDC Form 115, Rules Violation Report (RVR), Log#C06-03-0020, dated 3/23/06 for "Resisting Staff w/Physical Force."

Appellant contends that he was denied an Investigative Employee and therefore necessary witnesses were not questioned. In addition, the charged offense is not listed in the California Code of Regulations, Title 15.

Appellant requests the RVR be reissued/reheard or dismissed.

REGULATIONS: The rules governing this issue are:

CCR Title 15 §3005(b) Conduct, Obeying Orders

CCR Title 15 §3315 Serious Rule Violations

CCR Title 15 §3320 Hearing Procedures and Time Limitations

CCR Title 15 §3323 Disciplinary Credit Forfeiture Schedule

SUMMARY OF INVESTIGATION:

The First Level of Review was bypassed per CCR 3084.5(B). Eloy Medina, Appeals Coordinator, was assigned to investigate this appeal at the Second Level of Review. All submitted documentation and supporting arguments have been considered. Additionally, a thorough examination/evaluation of the claim presented by the appellant was conducted in accordance with Salinas Valley State Prison Operational Procedures (OP); the CCR; and the Departmental Operations Manual (DOM). The appellant was interviewed by Eloy Medina.

The appellant was charged with a violation of CCR 3005(c) Force or Violence. for the specific act of "Resisting Staff." The charge was classified as a Division "D" offense.

The appellant states the charged offense is not listed in the disciplinary Credit Forfeiture Schedule.

CCR, Title 15 §3323(f)(6) lists "willfully resisting, delaying, or obstructing any peace officer in the performance of duty" as a Division "D" offense.

Page 2

The discovery date of the RVR was 3/23/06. The appellant received his copy of the RVR on 4/5/06, which was within fifteen (15) days of the discovery. The appellant was provided with his copy of the entire RVR and all supplemental reports.

The RVR was not referred to the Monterey County District Attorney's (DA) office for prosecution.

The RVR reflects that the appellant attended the disciplinary hearing held on 4/5/06, and pled "not guilty" to the charge. The hearing was not conducted within 30 days of the appellant receiving his initial copy of the RVR.

The Senior Hearing Officer (SHO) determined a guilty finding, and assessed zero (0) days credit loss forfeiture due to lost time constraints.

A Staff Assistant was not assigned per CCR 3312(d)(2).

The appellant is a participant in the Mental Health Services Delivery System, (MHSDS) at the Correctional Clinical Case Management (CCCMS) level of care.

An Investigative Employee (IE) was not assigned because the appellant because the appellant remained in general population and was able to gather his own evidence.

The appellant states because he was not afforded an IE, key witnesses were not questioned that would have exonerated him of the charges.

The appellant did not request assignment of an IE upon issuance of the RVR (refer to 115A). The appellant remained housed in general population from the period of 3/23/06 until 4/11/06 which afforded the appellant an opportunity to gather evidence on the appellant's behalf. On 4/11/06, the appellant was rehoused in ASU due to the need to protect the integrity of an investigation into the appellant's submission of a staff complaint regarding this incident (SVSP Appeal Log #SVSP-C-06-00952). In the staff complaint submitted by the appellant on 4/11/06, the appellant alleged misuse of force by staff in this incident. The staff complaint was investigated at the First Level of Review and the Second Level of Review. In the staff complaint, the appellant identified witnesses and those witnesses were interviewed on behalf of the appellant. The results of that staff complaint are confidential and cannot be disclosed to the appellant. However, it should be noted that the results were examined during this level of review for this RVR appeal to ensure the RVR was appropriate. That examination resulted in this reviewer determining that the RVR was appropriate for the events on 3/23/06.

Therefore, the appellant was afforded the opportunity to request witnesses and an IE during issuance of the RVR but did not request either. The appellant remained in general population for a number of days allowing the appellant to collect evidence on his behalf. During the hearing of the RVR, the appellant had the opportunity to present a defense and request witnesses/evidence but the appellant declined to do so. Instead, the appellant pled not guilty and remained silent.

Page 3

A review of this matter reflects that all issues pertaining to due process have been met.

<u>DECISION</u>: The appeal is DENIED.

The appellant is advised that this issue may be submitted for a Director's Level of Review if desired.

Chief Deputy Warden

Salinas Valley State Prison

2.

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

INMATE / PAROLEE APPEAL FORM CDC 602 (12/87)

Location: Institution/Parole Region

Log No. 1.06.03173 Category

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

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ter Appellant reported excessive and un	INCLESSORY Wantow use of force wh	the Appellant was hard pulled and was I Cambo
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DC:602 (12/87)		Date:

Continued from Section H .:

in the seventh paragraph that appellant had a disciplinary hearing ON the same day. This is a misrepresentation of the facts. Appellants hearing was conducted against Appellants wishes on 5/19/06. In the eleventh paragraph of the Summary investigation, it is stated that Appellant was not assighted an investigative employer because Appelant remained on the general population yard. Title 15 Admin lode 3318 does not Support this Statement with regard to I.E. assistance further more an I.E. was necessary due to the New discriminatory" pick and choose" policy on who lomes out of there lells. Appellant has not been able to come out of his cell since July 05 with NO explanation. Appellant qualifies for an I.E. par. Title 15 Admin Code 3315 (d) (1)(A)(2). With regard to the CDC 115- A Appellant has never seen the document before this 402 and subsequent forms were returned to Appellant with this 602 Notice that nothing has been sighwed, requested, waived or refused on the form by Appellant. A staff member has never approached appellant with this form. As you see there is not even a legible or clear Staff signature date or time indicated. The 115 A form is fraudulent. Appellant puts the Chief of inmate appeals on notice of the blatant retaliatory obuse of procedural ethics, utilizing deception as a tool to dery Appellant procedural due process and equal protection (See Wolf V. McDonnell (1974) 418 U.S. 509, Jewal Code Section 2932 Subdivison (a) (3)

The failure of Prisons officials to Appoint an Investigative employee or staff assistant Violated Appellants rights to a fair hearing as protected by Title 15, Cal. Admin. Code Section 3315(d) and 3318 (b) and the due process clause of the state and federal Constitutions."

DEPARTMENT OF CORRECTIONS

RULES VIOLATION REPORT

cas nyay953	INMATE'S NAME		RELEASE/BOARD DAT	insister	HAME US MEDS	608 NO.
VIOLATED RULE NO(S).		SPECIFIC ACTS Resisting Sta With Physical Force	ff (C3 105	03-23-06	1330 Hours

CIRCUMSTANCES On 03-23-06, at approximately 1330 hours, while performing my duties as CI Yard #2 Officer, while conducting wass searches of Charlie 3 Building, Seargeant Kircher instructed C/O Parra and myself to escort immate Woodson, P-76095 to the Health Service Annex. While escorting Woodson became resistive and started to twist and sturn back and forth. Fearing that Woodson would break our grip, C/O Parra and myself using physical force placed immate Woodson on the ground. I placed my right arm under Woodsons left arm to apply physical force to Woodsons upper back. while placing my left hand on his neck and head area. C/O Parra was on his right side. Once Woodson was proned out on the floor, responding staff arrived to assist. Someone placed leg irons on Woodson. As a result of C/O Parra and myself proming Woodson out, Sergeant Kircher instructed C/O Rodriguez and Camarena to continue the escort to the Health Service Annex. This concludes my report.

Immate Woodson [is] [is not] a participant in the Mental Mealth Services Delivery System and is aware of this report.

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PEPORTING EMPLOYEE D. Veza, Co	Typed Name and Signature OFFECTIONAL Offi	cer Nd	1 2	and the state of t	3-30	06	ASSIGNMENT #2		RDO'S	Ŵ.
REVIEWING SUPERVISOR	R'S SIGNATURE		3/2	966	DATE	SEGREGATED PEN	DING HEARING	с		
CLASSIFIED ADMINISTRATIVE SERIOUS	OFFENSE DIVISION	130/04	CLASSIFIE	D BY (Typed N	lame and Sig	(nature)		HEARING REF	,	SC FC
	,	C	OPIES GI	VEN INMA	TE BEFOR	E HEARING				
☐*CDC 115	BY: (STAFF'S SIGNATURE	×)4/-		DATE	TIME / C So.	TITLE OF SUPPLEM	IENT :			<u>_</u>
INCIDENT REPORT LOG NUMBER:		d an ambien t		DATE	TIME 1700	BY: (STAFF'S SIGN.	ATURE)		DATE	TIME

Pleasing the charges were read aloud as written to Immate Woodson, who acknowledged understanding the charges and who entered a plea of Not Guilty.

Findings: Invate Woodson was found Guilty of violating ODR\$ 3005(c); specifically, 'Resisting Staff W/Physical Force,' a Division 'D' offense (CORS 3323(f)(6)).

Disposition: Assessed O days forfeiture due to Time Constraints not being met. Immate was counseled, warned and reprimended.

Additional Disposition: None.

Classification Referral: Refer to UCC for Program Review.

Disposition continued on CCC 115C

P. Roque, Lieutenant	***************************************	SIGNATURE	G. G.	PATE /S	TIME 1/2
G. Ponder, Captain	DATE (M. Moore, C.D.O.		DATE	Tiste
	BY: (STAFF'S SIGNA	ITURE)		DATE	TIME
COPY OF CDC 115 GIVEN INMATE AFTER HEARING	.) } { L.	i.	1/	1.5.45
CDC 115 (7/88)					

	N RÉPORT - PART C	$\mathcal{L}_{i} = \mathcal{L}_{i} + \mathcal{L}_{i} + \mathcal{L}_{i}$	~	· P	AGEOF
©DC NUMBER P-76095	-INMATE'S NAME	LOG NUMBER 606-03-0020	INSTITUTION SVSP		TODAY'S DATE 05-19-06
SUPPLEMENTAL	CONTINUATION OF: 11	15 CIRCUMSTANCES A HEARING	ie report	OTHER	
ering: This hearing	ng commenced on 05-19-06 at 19	930 hours.		<u>, </u>	···
mate's health: In	mate Woodson stated his healt	h was good and that he was ready	r to proceed wit	h the heari	ng.
se Management Sys mate Woodson exhi odson did not den	stem (COOMS) level of care. bited any bizarre behavior to nonstrate any strange, bizarr S, District Court in <u>Coleman</u>	Mental Health Services Delivery: The circumstances of the Rulthat would raise concerns about ite, of irrational behavior. Barn, a mental health assessment w	es Violation Renis mental healt sed on this and	port do no h. At the pursuant to	t indicate the hearing, Inox recent chang
te of discovery: (aring Completed or Postponed Date:)	n: 05-19-06 Lest doc	RVR copy langed on: 04-05-06 current Issued to Innete on: 04-0 results issued: N/A	5-05		
		been met pursuant to COR\$ 3329) al copy of CDC 115. No extraordi			hearing with
		⊢English speaking and has no mer cess and his rights related to			
vestigative Emplo	yee (IE): Immate Woodson do	es not meet the criteria for	assignment of a	an Investig	stive Employs
Referral: This me	itter was not referred to the	Monterey County District Attorn	ey's Office.	€ *	•
dence Requested		not request that evidence be r	produced for the	is hearing	at the time
eo Tape Evidence:	None.			•	
ate Plea and Stat	ment: Innate Woodson entered	is plea of "Not Guilty," and fu	rther elected to	remain sil	ent.
		did not women that was staff	or inmate with	h	advand for th
	or Provided: Inmate Woodson	ara not reducer that any erarr		esses de pro	NUMBER TOT IN
nesses Requested			4	esses oe pro	KRACEU TOT L
nesses Requested		requested or granted by the 340.	i de la companya de l	esses oe pro	Andrew Tot Co
nesses Requested ring. ness Testimony at	: Rearing: No vitnesses were r		·,)	esses be pro	Anaced for the
nesses Requested	: Rearing: No vitnesses were r			esses de pro	Anaced Tol Li
nesses Requested ring. ness Testimony at	: Rearing: No vitnesses were r	requested or granted by the SM.		esses de pro	Anaced for the
nesses Requested ring. ness Testimony at	: Rearing: No vitnesses were r				TE SIGNED

WALLO AICITATION	N REPORT - PART C							PAGEOF
DC NUMBER P-76095	INMATE'S NAME	•	Log NUI CO6-O	MBER 3-0020	INSTITU	TION S.	**	TODAY'S D
SUPPLEMENTAL	CONTINUATION OF:	115 CIF	RCUMSTANCES	₩ HEARING	 IER	PORT	OTHE	 ≣R
ndings:			<i>₹ 1</i>				<u> </u>	
aff W/Physical For	found guilty of the circe," a Division 'D' off ontained within the body	fense (CCR)	§ 3323(f)(6)).	The evidence	used to	render ti		
	ations of Officer Vega d. Officer Vega along dition.							
finding of guilt	entioned facts, this Si on the charged offense	HO finds to of viola	ting CORS 300	5(c); anecific	yidence h cally, "R	as been esisting	met to r Staff W	ender and s /Physical F
itional Dispositional	on: None.	* 5V						
my Concerns: None				A. Or) `	3		
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	ed of his rights to a ursuant to COR® 3327 & 3					redits.	^{날1}	1. 477 42 1
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toration rights p		3328, gove	rning the res	ieutenant		redits.		DATE SIGNED

DC NUMBER P-76095	INMATE'S NA	ME Ison	*		LOG NUMB	ER 3-0010	INSTI	irîlőh		<u>⊥od¥£</u> î	MI56
X SUPPLEMENTA	AL CONTIN	UATION OF:	115 C	IRCUMST		HEARIN	 IG	REPORT	от <i>⊦</i>	<u> </u>	
03-23-06, at a urches of C3-A-cete Woodson, Pothat time Imma und by pushing a C/O J. Rodriga of the escort	Section. Inno -76095 to the te Woodson re down on his iguez placed	ate Woodson Health Ser sisted the arm and sh leg restral	hecame d rvice Ann e escort oulder. Ints on R	isruptiv ex. Whi by stop: C/O D.	e. Searge le escor ling and Veca and	eant Kirche ting Woods twisting b myself ha	er instru on becam vis body. d inmate	cted myse disrupti At that t Woodson (offend (ive by so ine I fo orone on	200. Vega reaming an reed his b the ground	to esc d yelli ody to . At t
A OF CHE COUNTY	A STANCE WAS INVESTIGATION	and my rope	en e		The second secon	da in		• . •		•	
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			Si	GNATURE	OF WRITE		man Vista			DATE SIGNE	D

P-76095	INMATE'S NAME		NOLA.	TED RULE N	io(s). (c)	**	DATE	03-23-	Y INSTITU	TION GVGD	LOG NO.	·
EFERRAL FOR FE	LONY PROSECUTION	IS LIKELY IN	THIS INC	DENT	YES		NO					
		Р	OSTPONE	MENT OF	DISCIPLIN	ARY H		G			_	
Outcome of ref	OUEST my hearing terral for prosecution	e postponed p	ending	•	S SIGNATUR						DATE	<u> </u>
of referral for pr				INMATE'	S SIGNATUR	IE					DATE	<u> </u>
TE NOTICE OF OUT	COME RECEIVED	DISPOSITION	1									-
I REVOKE my r	equest for postponen	nent.		INMATE'S	S SIGNATUR	E					DATE	
AEC ACCIOTANT					SSISTANT							
AFF ASSISTANT REQUESTED	WAIVED BY IN	IMATE		INMATE'S	SIGNATUR	E					DATE	
ASSIGNED	DATE	NAME OF	STAFF									
NOT ASSIGNED	REASON				·					·	····	
ESTIGATIVE EMPL	OVEC		IN\		VE EMPLO							
REQUESTED	.OTEE WAIVED BY IN	MATE		INMATE'S	SIGNATURE	•		_			DATE	
ASSIGNED	DATE	NAME OF S	TAFF						-		<u></u>	
NOT ASSIGNED	REASON	-		<u></u> -	· · · · · ·				·			
ENCE/INFORMATION	DECLIESTED BY MIN	A'TE ·	·							<u>-</u> -		·
	THE GOLD ICE BY MANY	41E.										
	TICGOLGILD BY HAM.											
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REPORTING EMPI	TED AT HEARING (IF	NOT PRESENT, - ASSISTANT NUMBER)	_	N FINDINGS)	E EMPLOY				TITLE OR C	DC NUMBER)	GRANTE	NI NI
REPORTING EMPI	TED AT HEARING (IF	NOT PRESENT, - ASSISTANT NUMBER)	עאו 🔲	N FINDINGS) ESTIGATIVE NOT	E EMPLOY				TITLE OR C	DC NUMBER)	GRANTEI	NI NI
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REPORTING EMPI	TED AT HEARING (IF LOYEE STAFI ME AND TITLE OR CDC	NOT PRESENT, ASSISTANT NUMBER)	GRANTED	N FINDINGS) ESTIGATIVE NOT GRANTED	E EMPLOYI	SES (G	IVE NAI	ME AND				O GRA
REPORTING EMPI	TED AT HEARING (IF LOYEE STAFI ME AND TITLE OR CDC	NOT PRESENT, ASSISTANT NUMBER)	GRANTED	N FINDINGS) ESTIGATIVE NOT GRANTED	E EMPLOY WITNESS arged, the ea, and oth	SES (G	ng emp	oloyee, a		ers who have ssary.		

STATE OF CALIFORNIA	NTREBORT				DEPA	RTMENT OF CORRE	CTIONS AND REHABILITATION
CRIME / INCIDE PART A - COVE			<u> </u>	INCIDENT	LOG NUMBER	INCIDENT DATE	INCIDENT TIME
CDCR 837-A (Rev.		PAGE 1 OF	2	1	C3-06-03-0167	03/23/06	1330
INSTITUTION FAC							ARD USE OF FORCE
f			- 1	ding 3		Г СТС □СС □	
SVSP		C Facility	Jun 1	umg u	Ø GP ☐ RC	□RM	
SPECIFIC CRIME / IN	CIDENT						BER/SUBSECTION:
	Jse of P∦ysical Force				CCR PC	□ N/A	3005 (c)
D. A. REFERRAL ELIC	GIBLE CRISIS RESPO	DNSE TEAM ACTIV	ATED		MUTUAL AID		PIO/AA NOTIFIED
YES 🔀 NO	☐ YES 🔀	NO			YES [YES X NO
1800					HAT APPLY OR N		
DEATH	CAUSE OF DEATH		ULT/BATTE	RY	BEATING	OF ASSAULT / BA	
☐ INMATE	ACCIDENTAL NAT		INMATE	-	GASSING	☐ SPEARI	
STAFF	_	11404114 I	STAFF		POISONING	STRANG	
VISITOR	HOMICIDE	LI 0K	VISITOR		SEXUAL	OTHER:	
OTHER:	SUICIDE OVERDOSE		HEIN.	🗖	SHOOTING		
X N/A	N/A	X N/	١		SLASHING	⋉ N/A	
SERIOUS INJURY		TE WEAPONS			TYPE OF	WEAPON / SHOT	S FIRED / FORCE
INMATE	CHEMICAL SUBSTANC	E <u>TYPE</u> :		1	WEAPON: WA	RNING # EFFEC	T# BATON ROUND
STAFF	CLUB / BLUDGEON	СОММЕ	RCIAL WEA	APON [MINI 14		TYPE / NO:
	EXPLOSIVE			[38 CAL		WOOD
VISITOR	FIREARM		MANUFAC	TURED	9MM		RUBBER
OTHER:	HANDS / FEET	WEAPO	PN .		SHOTGUN LAUNCHER:		STINGER:
[2]	KNIFE				37MM		.32 (A)
¥ N/A	SAP/SLUNG SHOT			! }	= 1.8 T		.60 (B)
ESCAPES	PROJECTILE SPEAR				= 40MM		EXACTIMPACT
ESUA: LO	SLASHING INSTRUMEN	IT: (TYPÉ)			40MM MULTI		CTS 4557
☐ W / FORCE	STABBING INSTRUMEN				HFWRS		XM 1006
☐ W/O FORCE	OTHER:	,			ORCE		CHEMICAL
ATTEMPTED	BODILY FLUID O	ישונים בו וווי		[EXPANDABLE B		OC
	MNKNOWN LIQUID	THEN FLOID.			X PHYSICAL FOR	CE	CS CS
X N/A	X N/A				^ 10 THER:		_ N/A
		PPOG	RAM STAT	IIS .		XCEPTIONAL ACT	
CONTROLLED SUBSTA					EMPLOYEE JOE	·	WEATHER
POSITIVE UA	WITH PACKAGIN WO PACKAGIN	_	ED PROGF	KAM	ENVIRONMENT		SEARCH WARRANT
CONTROLLED M	PRELIMINARY LAI	5			EXPLOSION	10 1 W W 10	ARREST
MAMPHETAMINE	FREDWINANI LAI	STATE	OF EMERG	ENCY	FIRE		OTHER:
BARBITURATES		IF YES, LIS			GANG/DISRUPT	IVE GROUP	
COCAINE		PROGRAM	S:	[_	HOSTAGE		
CODEINE				-	INMATE STRIKE		EXTRACTION:
HEROIN				-	MAJOR DISTUR MAJOR POWER		CALCULATED
MARIJUANA/THC	1				NATURAL DISAS		☐ EMERGENCY
METHAMPHETAN	/IINE				PUBLIC DEMON		
MORPHINE OTHER:		X N/A			SPECIAL INTER		X N∕A
X N/A				ļ. —	-		,
DDIEC DESCRIPTION (OF INCIDENT (ONE OR TWO	SENTENCES):					
On March 23, 2006	at approximately 1330	hours Inmate W	oodson P	-76095, C	3-105L began t	o resist staff as	he was being
escorted to the pro-	gram area. Escorting sta	ff used physical	force to g	ain contr	ol of the inmate		
oboditor to the pre-	J	, •					
SOLADI ETE CIALODOLO	/ SUMMARY ON PART A1	i			•		
NAME OF REPORTING			TITLE		ID#		BADGE #
(()	COMP (FRIMITE)			enant			34889
J. Celaya			Lieui			(OIDE) IT CUTT	
SIGNATURE OF REPO	RTING STAFF				PHONE EXT. (IN	ICIDENT SITE)	DATE
4415	eff ct						3/23/06
NAME OF WARDEN /					TITLE	**************************************	DATE / /
G. Ponder					Ca	aplain	3/24/06
O. FUIIUDI					I.		

STATE OF CALIFORNIA		DEPARTMENT OF CORRECTIONS AND REHABILITATION					
CRIME / INCIDENT REPORT PART A1 - SUPPLEMENT CDCR 837-A1 (07/05)		PAGE	2_oF_2_		OG NUMBER FC3-06-01-0012		
INSTITUTION SVSP	FACILITY "C"	1	DATE OF INCIDENT 03/23/06	TIME	DF INCIDENT 1330		
TYPE OF INFORMATION: X SYNOPSIS/SUMMARY OF INCIDENT	SUPPLEMENTAL INFORM	ATION X	AMENDED INFORMAT	ION CL	OSURE REPORT		
NARRATIVE:	4000 have lawests 18100 d	D 7600	E C2 105 was been	mina halligar	ont and		
On March 23, 2006 at approximately argumentative as staff attempted to Officers D. Vega and J. Parra to eso the escort was proceeding out of the break the control of the officers escoground. Inmate Woodson continued instructed Officer J. Rodriguez to pla facility program area. Inmate Woods	search his cell. To prevent out Inmate Woodson to the section Inmate Woodson orting him. Officer Vega and to resist by kicking his legace leg restraints on Woods	further disr Health Ser began to tw I Parra utiliz s and twisti son. Inmate	uption Correctional S vices Annex and sec ist his upper body ba ting their body weigh ng his upper body. C Woodson was then	ergeant M. In were with the second in the se	Sircher instructed a holding cell. As in an attempt to attempt to the ergeant M. Atchley		
SUSPECT(S): Woodson P-76095, C	3-105						
VICTIM(S): N/A							
ESCORT(S): Officer's D. Vega and Rodriguez and E. Camarena who co	 Parra were the initial esconding including the escort and seconding 	ort team and ured Inmate	d were relieved by C e Woodson in holdin	orrectional O g cell #1.	fficers J.		
USE OF FORCE: Correctional Office	ers D. Vega and J. Parra ut	lized physic	al force on Inmate V	Voodson.			
EVIDENCE: N/A							
MEDICAL/MENTAL HEALTH EVALUTE temple, swelling to the right shoulder Delivery System at the CCCMS level	and abrasion and both kno	mined Inma ees. Inmate	te Woodson and not Woodson is a partici	ed an abrasion pant of the N	on to the right Mental Health		
CONCLUSION: Inmate Woodson wil	l receive a Rule Violation R	eport for the	e specific act of "Res	isting Staff".			
NOTIFICATIONS: This case will not appropriate administrative staff were supplemental report as they occur.	be referred to the Monterey notified of this incident. Yo	County Dis u will be ap	strict Attorney's for po praised of further dev	ossible prose velopments c	cution. All in this matter via		
	·						
CHECK IF NARRATIVE IS CONTINUED (F	ID#	······································	BADGE #		
NAME OF REPORTING STAFF (PRINT/TYPE J. Celaya	,	Lieutenant			34889		
SIGNATURE OF REPORTING STAFE	<u></u>		PHONE EXT. (INCIL	DENT SITE)	DATE /		
MANYE OF WARDEN / AOD (PRINT/SIGN)	·		TITLE		DATE / /		
G. Ponder			Capta	ain	3/14/06		

Case 4:07-cv-04925-CW Document 2 Filed 09/21/2007 Page 40 of 55

STATE OF CALIFORN CRIME / INCIL PART B1 - INI	DENTREP MATE	ORT							-	-AUTWEN		,	1 OF	
CDCR 837-B1 (0	17/05)		TEAC	CILITY					INC	CIDENT L	OG NU	MBER	 	
INSTITUTION	SVSP		I FAN	11111	С	Facilit	У		ĺ				03-0167	
	0.001				NMATE (ENTIRE	SHEET)							
NAME: LAST		FIRST				CDC :		SEX	ETH	INICITY	FBI#		CII_#	
Woodson		T				P	76095	М	1	Bla				,
CHECK ONE	CLASS	PV RTC		REC'D	DATE		ANTICIP			RACTION	1	DOB	HOUSING	ASSIGN.
VICTIM	SCORE	□YES	BY	CDC	BY II	NS1	RELEASE	DAIL		JYES ☑NO			C3-	105L
SUSPECT		<u></u> ⊠NO			CO . VIII	MENT	OFFENSE		L2	AINO		COUN	Y OF COM	
WITNESS	CCCMS	EOP	DPP	DMH	COMMI	MEN	OL1 FIADE			- W	·			
DESCRIPTION OF	MHCB	ODP	N/A	<u> </u>				-	Ī	PRISON (SANG /	DISRUP	TIVE GROU	Þ
DESCRIPTION OF	INSURICO.	• • • • • • • • • • • • • • • • • • •	illiana Disebi	. Chauld	or obras	sione t	a bath kri	aes						
Scrate	ch to right ch	eek, Swo	ilen Kign	Should	er, abras	ו פווטופ	O DOUT KIN	505		[] VALII	ΔTED	□ ASS	SOCIATED	X N/A
□ N/A							NAME	# OCAT	 10N OF			FACILITY		
☐ HOSPITALIZ	ED 🗷 TR	EATED &	RELEASED	∐RE!	FUSED TR		=1A11			health !				4
DECEASED I	DATE:				ΠN	/A		A . U.S						
NAME: LAST		FIRST			M	CDC #	#	SEX	ETH	NICITY	FBI#		CII#	
								<u> </u>	E)/75	- A OTION			HOUSING	ACCICAL
CHECK ONE	CLASS	PV RTC	DATE	REC'D CDC	DATE F		ANTICIPA RELEASE			RACTION YES		OOB	HOUSING	ASSIGN.
VICTIM	SCORE	☐YES		000	5, ,,,		,,		ŀ⊟					
SUSPECT	F1000MB	□NO □EOP	 □DPP [DMH	COMMIT	MENT (OFFENSE					COUNT	Y OF COM	MITMENT
☐ WITNESS	□ CCCMS □ MHCB	=	□N/A									<u> </u>		
DESCRIPTION OF									ĮF	PRISON C	SANG /	DISRUP	TIVE GROU	Р
													OCIATED	□ N/A
N/A						E A TAKE	NAME	LOCATI	ION OF	HOSP //	REAT.	FACILITY	•	
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DECEASED I	DATE:	FIRST			MI DATE F	CDC #	ANTICIPA	SEX	ETHI	NICITY		ООВ		ASSIGN.
DECEASED I			DATE	REC'D CDC	□ N/	CDC #	□ N/	SEX	ETHI	RACTION YES			Cli #	ASSIGN.
DECEASED I	CLASS	FIRST PV RTC	DATE BY	REC'D CDC	MI DATE F BY IN	CDC #	ANTICIPA RELEASE	SEX	ETHI	RACTION YES		ООВ	Cli # HOUSING	
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DECEASED I	CLASS SCORE	FIRST PV RTC YES NO	DATE BY	REC'D CDC	MI DATE F BY IN	CDC #	ANTICIPA RELEASE	SEX	EXTF	RACTION YES NO		COUNT	Cli # HOUSING	MITMENT
DECEASED I	CLASS SCORE	FIRST PV RTC YES NO EOP	DATE BY	REC'D CDC	MI DATE F BY IN	CDC #	ANTICIPA RELEASE	SEX	EXTF	RACTION YES NO		COUNT	Cli # HOUSING Y OF COM	MITMENT
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PART B2- STAFF	ORI								PAGE 2	OF 2_
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argumentative	with	stati	o search his cell. I	instructed Offi	cer I P	arra	and Offic	er D.	Vega	to es	cort I	nma	te W	oodson
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CRIME / INCIDENT REPORT PART C1- SUPPLEMENT CDCR 837-C1 (Rev. 07/05)		PAGE 2	OF 2	INCIDENT LOG NUMBER	
NAME: LAST	FIRS		OF	SVP-FC3-06-03	
Kircher	M	•			1
TYPE OF INFORMATION:					
CONTINUATION OF REPORT	CLARIFICATIO	N OF REPORT		ADDITIONAL INFORM	OITAN
NARRATIVE: and turn his body trying to pull away from a maintain control of Woodson, which the instructed Officers J. Rodriguez and E. him to a temporary holding cell inside the Camarena, and Officer Rodriguez then temporary holding cell #1. RN N. Moore notified of this incident.	om Officers Vec by did by holdin Camarena to li ne Facility C He escorted Inmat	a and Parra. I g him down on ft Inmate Wood alth Services A e Woodson ou	instructed F his stomac dson to his f Annex. Serg It of the build	Parra and Vega to h. Sergeant M. Ato eet and then to es leant Atchley, Offic ding and placed hir	hley cort er m into
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CRIME / INCIDENT REPORT PART C- STAFF REPORT				INCIDENT LOG NUMBER					
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STATE OF CALIFORNIA			DEPARTMENT OF CORR	ECTIONS AND REHABILITATION				
CRIME / INCIDENT REPORT PART C- STAFF REPORT		INCIDENT LOG NUMBER						
CDCR 837-C (Rev. 07/05)		PAGE 1 OF	1 1	- PC3 -06.03-016				
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STATE OF CALIFORNIA CRIME / INCIDENT REPORT			DEPARTMEN	T OF CORREC	TIONS AND REHABI	ILITATIO
PART C1- SUPPLEMENT CDCR 837-C1 (Rev. 07/05)		page 2	of2		OG NUMBER C3・O5・O3・C	11.3
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STATE OF CALIFORN					DEPAR	THENT OF COF	RRECTIONS	AND REH	IABILITATION
PART C- STAF	ENT REPORT FREPORT				<i>i</i> 3	INCIDE	NT LOG N	UMBER	
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RDO's DUTY F	OURS DESCRIPTION OF CRIE 1400 Rセタライル	AE / INCIDENT	2 W/ 0	hysical 1	Force	CCR SE	CTION / R		☐ N/A
YOUR ROLE	WITNESSES (PREFACE S-					E S-SUSPEC		<u> </u>	TNESS)
☐ PRIMARY	Nega D (5)		· · · · · · · · · · · · · · · · · · ·	woods o			76		
RESPONDER	parra 5 (5)]					
₩ITNESS	Kircher M (3)								
VICTIM	Rodriguez 357								
☐ CAMERA	Camarena, EG)						**	
FORCE USED BY YO	DU WEAPONS AND SH	OTS FIRED BY Y			CHE	MICAL AGEN	TS USE B	Y YOU	
WEAPON	<u>NO</u> :	_	<u>NO</u> :	TYPE:	_	7.00	TYPE:		
☐ PHYSICAL ☐ CHEMICAL	MINI-14	37MM			_] CN] OC			
NONE	9 MM	☐ 40 MM ☐ L8] cs			
FORCE OBSERVED BY YOU	SHOTGUN ———	40 MULTI			_ _	OTHER:			
WEAPON		☐ HFWRS				R MAA			•
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EVIDENCE COLLECTE BY YOU	D EVIDENCE DESCR	IPTION	E	VIDENCE DISPO	ISITION		BIO HAZAF	RD	PPE
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REPORTING STAFF INJURED	DESCRIPTION OF INJU	RY		ON TREATED AL / CLINIC)	FL	UID EXPOSU	RE S	SCIF 330 COMPL	
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CHEÇK IF NARR	ATIVE IS CONTINUED ON PART (21							
SIGNATURE OF PEPP	RTING STAFF	TITLE	BAD	GE #		À	DATE	-73	-06
	REVIEWER (PRINT / SIGNATURE)	DATE RECEIVE	ED APPI	ROVED CLA	RIFICAT	TION NEEDED	DATE		 -

CDC #: P-76095 CDC HOUSING: C 3-105 THIS IS NOT AN APPEAL RESPONSE - THIS APPEAL IS EITHER REJECTED FOR ONE OR MORE REASONS NOTED BELOW OR RETURNED TO YOU TO ATTACH SUPPORTING DOCUMENTS. YOUR APPEAL IS BEING RETURNED TO YOU FOR THE FOLLOWING REASON(S): [] Duplicate Appeal; Same Issue [] Limit of One Continuation Page May Be Attached [] Do Not Combine Staff Complaints with Other Issues [] Inappropriate Statements [] Time Constraints Not Met [] Action / Decision Not Taken By CDCR [] Cannot Submit On Behalf Of another Inmate [] DRB Decisions Are Not Appealable [] No Significant Adverse Effect Demonstrated [] Appealing Action Not Yet Taken [] Pointless Verbiage/Appeal is vague [] May Submit One (1) Non-Emergency Appeal Per Week 4 Incomplete 602 [] Not A Request Form; Use CDCR-7362 - to access Medical [] Attempting to Change Original Appeal Issue Services, submit your request on a CDCR-Form 7362. [] Not Authorized to Bypass Any Level If necessary, sign up for sick call. [] Request for Interview; Not an Appeal [] Write your appeal in black or blue ink, this is a legal [] Numerous and separate issues document and pencil/inks other than black or blue do not copy legibly PLEASE FOLLOW INSTRUCTIONS AND RETURN YOUR CDC 602 WITHIN 15 WORKING DAYS Comments: You may write on back of this form to clarify or respond to the above. ENclosed is the 115 A and Correlated 837 A Reports Date: 6/27/06 Eloy Medina, CC-II Appeals Coordinator This screening action may not be appealed. If you allege the above reason is inaccurate, then attach an explanation on a separate piece of paper, or use the back of this screen out - do not write any more on the appeal itself. Please

return this form to the Appeals Coordinator with the necessary information attached.

Document 2

INMATE / PAROLEE APPEAL SCREENING FORM

Filed 09/21/2007

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Department of Corrections and Rehabilitation

CDCR-695

Case 4:07-cv-04925-CW

State of California

COS NUMBER	INMATE'S NAME			RELEASE/BOAR	D DATE	INSTSVSE	HOUSING NOS	H	NO.
VIOLATED RULE NO(S).		SPECIFIC ACTS Res	isting S	tatt	LOCAT	ION Fac 'C'			ME
3005(c)		With Physi	cal Force	•	C3	105	03-23-0	6	1330 Ro
conducting mass Woodson, P-7673 back and forth, Woodson on the while placing rout on the floor and myself promulealth Service	On 03-23-76, at a searches of Chars searches of Chars to the Health S Fearing that Wo ground. I placed my left hand on hor, responding stating Woodson out, Manuex. This conclution [is] [is not] a page 15-25 for the chart of th	ervice Annex. odson would bre my right arm to Ls neck and be ff arrived to a Germant Kirche ides my report.	, Seargeant While escoresk our griunder Woodskead area. essist. Sor instructe	t Kircher ins rting Woodson p, C/O Parra ons left arm t C/O Parra was meone placed l d C/O Rodrigo	tructed became and my to apple s on hi leg iron	C/O Parra resistive self using v physical s right si ns on Woods Camarena	and myself and started in physical for force to Wood de. Once Wo con. As a res to continue t	to esc to twis rce pla isons u odson u odson o oult of the esc	ort inmat st and tur sced inmat spper back was prone C/O Parr sort to th
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INCIDENT REPORT BY	: (STAFF'S SIGNATURE)	<u> </u>	DATE T	IME BY: (STAFF	'S SIGNATI	JRE)		DATE	TIME
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NUMBER	INMATE'S NAME Nood son		LOG NI	MBER	MOLTUTION		TODAYS DATE
SUPPLEMENTAL	CONTINUATION	0F: 115 CIRC	JMSTANCES		3 EREPOR	т отн	ER
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COPY OF CDC 115-C GIVEN TO INMATE	GIVEN BY: (Staff's Signature)	DATE SIGNED	TIME SIGNED